

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.271 OF 2007

Asha Dattatraye Buchake	Petitioner
versus	
State Election Commission and others	Respondents

Mr.P.D.Prasad Rao for petitioner.

Mr.S.B.Shetye for respondent no.1.

Mr.A.J.Bhor for respondent no.3.

Mr.R.D.Rane, AGP for respondent no.4.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 12th January 2007

PC :

1. The State Election Commission has fixed 20th November 2006 as the cut off date. The petitioner's name is not included in the electoral roll as of that date.

2. The present petition by the petitioner is for inclusion of her name in the electoral roll. The electoral roll is prepared in terms of the

provisions of Representation of People Act, 1950. For the purpose of elections to Local Bodies the State Election Commission adopts the said electoral roll. The learned counsel points out that u/s 23 of the Representation of Peoples Act, 1950, there is a power to include the name of a person in the electoral roll. Section 23(3) sets out that no amendment, tranposition or deletion of an entry shall be made and no direction for the inclusion of a name in the electoral roll shall be made after the last date of making nominations for election in that constituency or in any parliamentary constituency within which that constituency is comprised and before the completion of that election. Assembly Constituency has been defined u/s 2(b) to mean a constituency provided by law for the purpose of elections to the Legislative Assembly by a State. We are not concerned with the election to the State Assembly or Parliament. We are concerned with adoption of electoral roll by the State Election Commission for election to the local bodies. Even if the petitioner applies and the competent officer under Representation of People Act, 1950 has power to amend the roll, insofar as local bodies are concerned, that would be of no consequence. The relief sought for by the

petitioner is to include her name in the voters list for the purpose of voting or contesting the elections to the Municipal Corporation Elections. Such an exercise cannot be done considering the provisions of law. Insofar as the local bodies are concerned, it is the notification issued by the State Election Commission which decides the date of elections. With the above observations the petition stands disposed off.

(R.V.MORE, J.)

(F.I.REBELLO, J.)